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Attorney For Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jeffrey MARTINUS

Case No.: 5:24-cv-696

Plaintiffs,

COMPLAINT FOR:

vs.

**1) DECLARATORY
AND INJUNCTIVE RELIEF**

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY;
UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES;
LOS ANGELES ASYLUM OFFICE;
DAVID RADEL;
ALEJANDRO MAYORKAS;
UR M. JADDOU;
TED H. KIM;
MATTHEW D. EMRICH;
CHRISTOPHER A. WRAY;
AND DOES 1-10.

**2) WRIT IN THE NATURE OF
IMMIGRATION MANDAMUS**

Defendants.

By and through his undersigned counsel, Plaintiff Jeffrey Martinus bring this action, individually or derivatively on behalf of Jeffrey Martinus.

INTRODUCTION

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1. This action is brought by the Plaintiff Jeffrey Martinus, by and through his attorney, to request issuance of a writ of mandamus or in the nature of mandamus and/or to compel under the Administrative Procedure Act (“APA”) ordering Defendants and those acting under them to process an Application for Asylum and for Withholding of Removal which was received and pending as of July 25, 2016, and which has still not been called for an interview.
2. On April 5, 2016, Plaintiff Jeffrey Martinus came to the United States on a F1 visa and has stayed in the US ever since. On July 25, 2016, Plaintiff Jeffrey Martinus submitted an I-589 Application for Asylum and Withholding of Removal to the United States Citizenship and Immigration Service (“USCIS”) which was subsequently assigned for processing and adjudication to the Defendant Los Angeles Asylum Office. *See* **(Exhibit A: I-589 Application for Asylum and Withholding of Removal)**. Plaintiff Jeffrey Martinus sought asylum in the United States of America based on past persecution and/or a well-founded fear of returning to Indonesia on account of his race and religion.
3. After submitting his application for asylum, Defendant USCIS instructed Plaintiff to present himself for biometric inspections at a designated USCIS Application Support Center. Plaintiff Jeffrey Martinus complied with his biometric requirement. *See* **(Exhibit B: I-797C Notice of Action - Fingerprint Notification)**.
4. After Plaintiff provided his biometric information, neither Defendant USCIS nor Los Angeles Asylum Office nor any of the other named Defendants communicated with Plaintiff Jeffrey Martinus about the exact date his asylum interview would be scheduled. As of today, Plaintiff Jeffrey Martinus has yet to be called for an interview nor has he

1 received any update on his case status. Plaintiff has been waiting for almost **eight years**
2 for an interview at this point. Plaintiff has no way of knowing how much longer he will
3 have to wait in order to testify in support of his application for asylum. Plaintiff is unable
4 to plan for his future and is forced to endure the constant uncertainty of the possibility
5 that his application for asylum will be denied and referred to the Executive Office for
6 Immigration Review (“EOIR”).
7

- 8
- 9 5. Defendants have violated the Administrative Procedures Act (“APA”) by failing to
10 schedule Plaintiff’s asylum application for an interview which has been pending now for
11 almost eight years. Plaintiff seeks to compel Defendants, through a writ of mandamus, to
12 schedule an interview for his pending asylum application.
13

14

15

16 **PARTIES**

- 17 6. Plaintiff Jeffrey Martinus is a native and citizen of Indonesia. Plaintiff Jeffrey Martinus
18 came to the United States on an F1 visa on April 5, 2016. Plaintiff Jeffrey Martinus filed
19 his I-589 Application for Asylum and Withholding of Removal on July 25, 2016.
20
- 21 7. Defendant UNITED STATES DEPARTMENT OF HOMELAND SECURITY
22 (hereinafter “DHS”) is an agency of the United States government involved in the acts
23 challenged, employs the officers named as defendants, and includes the U.S. Citizenship
24 and Immigration Services and Los Angeles Asylum office and officers named as
25 defendants in this complaint.
26
- 27 8. Defendant UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
28 (hereinafter “USCIS”) is an agency of the United States government under DHS,

1 overseeing the Los Angeles Asylum Office and officers named as defendants in this
2 complaint.

3
4 9. Defendant LOS ANGELES ASYLUM OFFICE (hereinafter “Los Angeles Asylum
5 Office”) is an office within USCIS and the federal agency with direct authority and
6 responsibility to adjudicate Plaintiffs’ asylum application.

7
8 10. Defendant DAVID RADEL (hereinafter “Director Radel”) is the director of the Los
9 Angeles Asylum Office. This suit is brought against Director Radel in his official
10 capacity, as he is charged with overseeing the adjudication of the asylum applications at
11 the Los Angeles Asylum Office in a timely manner, and ensuring the efficiency of the
12 officers employed.

13
14 11. Defendant ALEJANDRO MAYORKAS (hereinafter “Secretary Mayorkas”) is the
15 Secretary of the Department of Homeland Security. This suit is brought against Secretary
16 Mayorkas in his official capacity, as he is charged with the administration and
17 enforcement of all immigration and citizenship laws that are bound in the powers, duties,
18 and functions of the Department of Homeland Security.

19
20
21 12. Defendant UR M. JADDOU (hereinafter “Director Jaddou”) is the Director of USCIS,
22 the Agency charged with adjudicating Plaintiffs’ asylum application. This suit is brought
23 against Director Jaddou in her official capacity, as she is charged with oversight,
24 administration, and execution of immigration laws of the United States.

25
26 13. Defendant TED H. KIM (hereinafter “Associate Director KIM”) is the Associate Director
27 of Refugee, Asylum, and International Operations. This suit is brought against Associate
28 Director Kim in his official capacity, as he is charged with supervision over all asylum
offices, including the Los Angeles Asylum Office, and requires some applications to be

1 forwarded to headquarters before final adjudication, and may, upon information and
2 belief, have ordered that Plaintiffs' case be forwarded to his office for its review.

3
4 14. Defendant MATTHEW D. EMRICH (hereinafter "Associate Director Emrich") is the
5 Associate Director of USCIS Fraud Detection and National Security Directorate. This
6 suit is brought against Associate Director Emrich in his official capacity, as he supervises
7 all USCIS staff who review asylum applications to ensure that immigration benefits are
8 not granted to individuals who pose a threat to national security or public safety, or who
9 seek to defraud the immigration system. Certain applications must be reviewed by the
10 Fraud Detection and National Security Directorate before their final adjudication. Upon
11 information and belief, USCIS has not adjudicated the Plaintiff's asylum application
12 because the Fraud Detection and National Security Directorate has never completed its
13 review.
14

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17 15. Defendant CHRISTOPHER A. WRAY (hereinafter "Director Wray") is the Director of
18 the Federal Bureau of Investigations. This suit is brought against Director Wray in his
19 official capacity, as he is responsible for overseeing the background checks involved with
20 immigration matters.
21

22 JURISDICTION

23
24
25 16. The Administrative Procedure Act recognizes a right of judicial review for any person
26 "suffering legal wrong because of an agency action or aggrieved or adversely affected by
27 such action within the meaning of any relevant statutes." 5 U.S.C. § 702. Plaintiff
28 suffered a legal wrong and continue to suffer because of the Defendants' failure to act
upon the pending Asylum application for indefinite periods of time.

1 17. The Court has jurisdiction over the present action pursuant to 8 C.F.R., § 204,
2 Immigration & Nationality Act § 203 (b)(1)(C); 28 U.S.C. § 1131, 28 U.S.C. § 136, the
3 Mandamus Act; 28 U.S.C §2201, the Declaratory Judgement Act; and 5 U.S.C. §701-706,
4 the Administrative Procedures Act. Costs and attorney fees will be sought pursuant to the
5 Equal Access to Justice Act, 5 U.S.C. §504 and 28 U.S.C. §2412(d), et seq. Relief is
6 requested pursuant to said statutes.
7

8
9 18. The APA also provides pursuant to 5 U.S.C. § 706(1) that courts “shall compel agency
10 action unlawfully withheld.” Courts have held that this provision eliminates court
11 discretion to grant relief once an agency has violated a statutory deadline. *See*
12 *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1178 (9th Cir. 2002) (noting
13 that when “Congress has specifically provided a deadline for performance,...no
14 balancing of factors is required or permitted.”
15
16

17 VENUE

18
19 19. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(e), which provides that in a
20 civil action in which each defendant is an officer or employee of the United States or any
21 agency thereof acting in his or her official capacity, or under the color of legal authority,
22 or any agency of the United States, the action may be brought in any judicial district in
23 which a plaintiff resides, so long as no real property is involved in the action. Plaintiff
24 resides in Corona, California, which is located in the Central District of California. No
25 real property is involved in this action. Therefore, venue is proper in this Court.
26
27
28

EXHAUSTION OF REMEDIES

20. Plaintiff has no administrative remedies. Since Plaintiff Jeffrey Martinus received his biometrics notice on August 12, 2016, Plaintiff has received no clear correspondence or communication from Defendant USCIS about how much longer he will have to wait for his pending asylum application to be called for an interview. Plaintiff Jeffrey Martinus has been waiting for almost **eight years** at this point to have his asylum claim heard by the Defendant Los Angeles Asylum Office. There are no administrative remedies for neglect of duty.

CAUSE OF ACTION

21. Pursuant to 8 U.S.C §1158, Plaintiff Jeffrey Martinus filed an application for Asylum and Withholding of Removal on July 25, 2016

22. Since filing his Application, Plaintiff has not received any concrete indication from the Defendant Los Angeles Asylum Office nor USCIS of the date his asylum interview will be scheduled. Plaintiff has no way of knowing how much longer the scheduling process will take.

23. Under 28 U.S.C. § 1361, the district courts shall have original jurisdiction of any action in the nature of a mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to Plaintiff.

24. Under the Administrative Procedures Act, a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

1 25. Defendants have a statutory duty to adjudicate asylum requests within 180 days of filing
2 pursuant to 8 U.S.C. § 1158 (d)(5)(A)(iii). It has been almost eight years since Plaintiff
3 Jeffrey Martinus applied for Asylum but has yet to receive an interview date for his case.
4

5 26. Plaintiff has no adequate remedy at law, and will continue to suffer irreparable harm if
6 the asylum application is not promptly scheduled.
7

8 27. Pursuant to 28 U.S.C. § 1361, this Court has “original jurisdiction in the nature of the
9 mandamus to compel an officer or employee of the United States or any agency thereof
10 to perform a duty owed to the [plaintiffs.]”
11

12 28. Pursuant to 28 U.S.C. § 1651, this Court may issue any and all “writs necessary or
13 appropriate in aid of [the Court’s] respective jurisdiction and agreeable to the usages and
14 principles of law.”
15

16
17 **CLAIM FOR RELIEF**

18 29. Plaintiff’s claim in this action is clear and certain. Plaintiff realleges paragraphs 1 through
19 28, and, as if fully set forth, Plaintiff is entitled to an order in the nature of mandamus to
20 compel Defendants to complete administrative processing and schedule an interview for
21 the pending Asylum application.
22

23 30. As a result of the Defendants’ failure to adequately perform their duties, Plaintiff has
24 suffered, is suffering, and will continue to suffer irreparable harm. Specifically:
25

- 26 a. Plaintiff has been irreparably damaged from the fear of not knowing or ability to
27 prepare for his future concerning what will happen with his asylum case for almost
28 eight years. Plaintiff has been constantly hoping to have the case scheduled for an
interview so his case could then be adjudicated, and he can progress with his life. Due

1 to the abnormally long wait and lack of certainty surrounding when his asylum case
2 will be heard, Plaintiff is enduring significant psychological trauma.

- 3
4 b. The delay is causing irreparable harm to Plaintiff, who is not able to progress with his
5 life in the United States without fear of being forced to return to Indonesia, a country
6 where upon return it is reasonable to believe he will be further persecuted, tortured,
7 and/or killed.
8

9 31. The Defendants, in violation of the Administrative Procedure Act, are unlawfully
10 withholding or unreasonably delaying action on Plaintiff's application and has failed to
11 carry out the non-discretionary adjudicative functions delegated to them by law with
12 regard to his case.
13

14 32. The duty of the Defendants is non-discretionary, ministerial, and so plainly described as
15 to be free from doubt that mandamus is appropriate in this matter.
16

17 33. Only Defendant Los Angeles Asylum Office can make decisions on scheduling an
18 asylum interview, leaving no adequate remedy.
19

20 Accordingly, Plaintiff has been forced to pursue the instant action.
21

22 **PRAYER**
23

24 34. WHEREFORE, in view of the arguments and authorities noted herein, Plaintiff
25 respectfully prays that the Defendants be cited to appear herein and that, upon due
26 consideration, the Court:
27

- 28 a. Accept jurisdiction and maintain continuing jurisdiction in this action;
b. Declare as unlawful the violation by Defendants of failing to act on a properly
filed Asylum and Withholding of Removal application;

- 1 c. Declare Defendants' failure to carry out the adjudicative functions delegated to
2 them by law with regard to Plaintiff's case as agency action unlawfully withheld
3 and unreasonably delayed, pursuant to 5 U.S.C. § 706(1);
4
5 d. Issue a preliminary and permanent injunction pursuant to 28 U.S.C. § 1361 and 5
6 U.S.C. § 706(1) compelling the Defendants to take action on the asylum
7 application of Plaintiff Jeffrey Martinus by scheduling an asylum interview and
8 then timely adjudicating the case subsequent to the interview;
9
10 e. Issue a writ in the nature of mandamus pursuant to 28 U.S.C. § 1361 and 5 U.S.C.
11 § 706(1), compelling the Defendants to take action on Plaintiff's Withholding of
12 Removal Application by scheduling an interview and then timely adjudicating the
13 case subsequent to the interview;
14
15 f. Grant attorney's fees and costs of this suit under the Equal Access to Justice Act,
16 28 U.S.C. § 2412;
17
18 g. Grant such relief at law and in equity as justice may require.
19
20

21 Dated: April 3, 2024

22 Respectfully Submitted,
23

24 /s/Gihan Thomas

25 Gihan L. Thomas

26 Certified Specialist, Immigration and Nationality Law
27 State Bar of California, Board of Legal Specialization
28

**LIST OF EXHIBITS TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND FOR A WRIT IN THE NATURE OF IMMIGRATION MANDAMUS
JEFFREY MARTINUS v. UNITED STATES DEPARTMENT OF HOMELAND
SECURITY ET AL.**

EXHIBITS

PAGES

A	I-589 Application for Asylum and Withholding of Removal and Receipt Notice.....	1
B	I-797 Notice of Action - Fingerprint Notifications of Plaintiff.....	11

Exhibit A

Department of Homeland Security
U.S. Citizenship and Immigration Services
U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067; Expires 12/31/2016

I-589, Application for Asylum and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture. ☐

Part A.I. Information About You

1. Alien Registration Number(s) (A-Number) (if any) NONE		2. U.S. Social Security Number (if any) NONE	
3. Complete Last Name MARTINUS		4. First Name JEFFREY	5. Middle Name -
6. What other names have you used (include maiden name and aliases)? NONE			
7. Residence in the U.S. (where you physically reside)			
Street Number and Name 2913 EL CAMINO REAL #303		Apt. Number	
City TUSTIN	State CALIFORNIA	Zip Code 92782	Telephone Number (626) 353-2090
8. Mailing Address in the U.S. (if different than the address in Item Number 7)			
In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
9. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		10. Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
11. Date of Birth (mm/dd/yyyy) 03/16/1991		12. City and Country of Birth MEDAN, INDONESIA	
13. Present Nationality (Citizenship) INDONESIA		14. Nationality at Birth INDONESIA	15. Race, Ethnic, or Tribal Group CHINESE
		16. Religion BUDDHIST	
17. Check the box, a through c, that applies: a. <input checked="" type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c.			
a. When did you last leave your country? (mmm/dd/yyyy) 04/04/2016 b. What is your current I-94 Number, if any? 92770937530			
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date 04/05/2016	Place LOS ANGELES	Status STUDENT	Date Status Expires 03/28/2021
Date	Place	Status	
Date	Place	Status	
19. What country issued your last passport or travel document? INDONESIA		20. Passport Number A3520954 Travel Document Number	
22. What is your native language (include dialect, if applicable)? BAHASA INDONESIA		21. Expiration Date (mm/dd/yyyy) 10/17/2017	
23. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		24. What other languages do you speak fluently? NONE	
For EOIR use only.		Action: Interview Date: _____ Asylum Officer ID#: _____	
For USCIS use only.		Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____	

Part A.II. Information About Your Spouse and Children**Your spouse**☒ I am not married. (Skip to **Your Children** below.)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Date of Birth (mm/dd/yyyy)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Maiden Name
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage	11. City and Country of Birth	
12. Nationality (Citizenship)	13. Race, Ethnic, or Tribal Group	14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location):			
16. Place of last entry into the U.S.	17. Date of last entry into the U.S. (mm/dd/yyyy)	18. I-94 Number (if any)	19. Status when last admitted (Visa type, if any)
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Your Children. List all of your children, regardless of age, location, or marital status.☒ I do not have any children. (Skip to Part A.III., **Information about your background**.)☐ I have children. Total number of children: _____

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Part A.II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
JELAMBAR BARU 3 NO. 41	JAKARTA	WEST JAVA	INDONESIA	01/2006	04/2016

2. Provide the following information about your residences during the past 5 years. List your present address first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
2913 EL CAMINO REAL	TUSTIN	CALIFORNIA	UNITED STATES	04/2016	NOW
JELAMBAR BARU 3 NO. 41	JAKARTA	WEST JAVA	INDONESIA	01/2006	04/2016

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
DHARMA JAYA	SENIOR HIGH SCHOOL	WEST JAKARTA	07/2006	06/2009
HATI KUDUS	JUNIOR HIGH SCHOOL	WEST JAKARTA	07/2003	06/2006
HATI KUDUS	ELEMENTARY	WEST JAKARTA	07/1997	06/2003

4. Provide the following information about your employment during the past 5 years. List your present employment first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
MULIA CEMERLANG ABADI	PPIC HEAD DEPARTMENT	10/2010	04/2016

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother KHO PO TJU	MEDAN, INDONESIA	<input type="checkbox"/> Deceased BATAM, INDONESIA
Father ROY MARTEN	MEDAN, INDONESIA	<input type="checkbox"/> Deceased MEDAN, INDONESIA
Sibling REGINE YARDENA	MEDAN, INDONESIA	<input type="checkbox"/> Deceased BATAM, INDONESIA
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased

Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part I: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Race | <input type="checkbox"/> Political opinion |
| <input checked="" type="checkbox"/> Religion | <input type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Torture Convention |

- A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

☐ No ☒ Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

SEE ATTACHMENT

- B. Do you fear harm or mistreatment if you return to your home country?

☐ No ☒ Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

SEE ATTACHMENT

Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

☒ No

☐ Yes

If "Yes," explain the circumstances and reasons for the action.

- 3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

☒ No

☐ Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

- 3.B. Do you or your family members continue to participate in any way in these organizations or groups?

☒ No

☐ Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

☐ No

☒ Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☒ No ☐ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

☒ No ☐ Yes

- 2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☒ No ☐ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☒ No ☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

☒ No

☐ Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

☐ No

☐ Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

☒ No

☐ Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.



WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name. JEFFREY MARTINUS	Write your name in your native alphabet. JEFFREY MARTINUS
---	--

Did your spouse, parent, or child(ren) assist you in completing this application? ☒ No ☐ Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
--------	----------------	--------	----------------

Did someone other than your spouse, parent, or child(ren) prepare this application?

☒ No ☐ Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?

☒ No ☐ Yes

Signature of Applicant (The person in Part A.)

[Signature]

Sign your name so it appears within the brackets

06-24-2016
Date (mm/dd/yyyy)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer		Print Complete Name of Preparer	
Daytime Telephone Number ()		Address of Preparer: Street Number and Name	
Apt. Number	City	State	Zip Code

Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

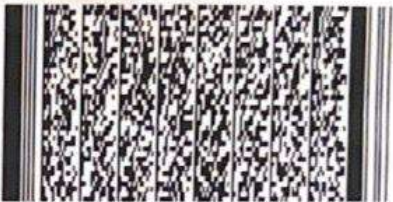
Signature of Immigration Judge

Exhibit B

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Fingerprint Notification		NOTICE DATE August 12, 2016							
CASE TYPE I589 Application For Asylum		USCIS A# A 209 198 709							
RECEIPT NUMBER ZLA1600157210	RECEIVED DATE July 25, 2016	PRIORITY DATE July 25, 2016	PAGE 1 of 1						
APPLICANT NAME AND MAILING ADDRESS JEFFREY MARTINUS 2913 EL CAMINO REAL 303 TUSTIN CA 92782									
b6b7C									
<p>You have been scheduled to appear at the below USCIS Application Support Center (ASC) to be fingerprinted and photographed (biometrics collection) during the 14-day period specified below. Completion of background identity and security checks is required in order to process your application.</p> <table border="1"> <thead> <tr> <th>Address</th> <th>14-Day Period</th> <th>Hours of Operation CLOSED ON FEDERAL HOLIDAYS</th> </tr> </thead> <tbody> <tr> <td>USCIS SANTA ANA 1666 N. MAIN ST. SUITE 100A SANTA ANA CA 927017417</td> <td>08/15/2016 to 08/29/2016</td> <td>Sat - Sun Closed Mon - Fri 8am-3pm</td> </tr> </tbody> </table> <p>Failure to appear as scheduled for fingerprinting and biometrics collection during the 14-Day period may delay eligibility for work authorization and/or result in an asylum officer dismissing your asylum application, and/or referring it to an Immigration Judge.</p> <p>When you appear for fingerprinting and biometrics collection, you MUST BRING THIS LETTER. Even if you are scheduled at the same time as your family members, each individual must bring his or her own notice. If you do not bring this letter, you will not be able to have your fingerprints taken. This may cause a delay in the processing of your application and your eligibility for work authorization. You should also bring photo identification such as a passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID. If you do not have any photo identification, please expect a minor delay, as you will need to be interviewed by a USCIS officer regarding your identity. Note: Asylum applicants are not required to present identification documents in order to have fingerprints and biometrics collected.</p> <p>Please note that the staff at the ASC will not be able to answer any questions about the status of your application. We appreciate your patience during the process.</p> <p>Pursuant to Section 265 of the Immigration and Nationality Act, you are required to notify the USCIS, in writing, of any address changes, within 10 days of such change. If you were placed in removal proceedings before an Immigration Judge, you are also required to notify the Immigration Court having jurisdiction over your case of any change of address within 5 days of such change, on Form EOIR-33. Include your name, signature, address, and USCIS A# on any written notice of change of address. The USCIS will use the last address you provided for all correspondence, and you are responsible for the contents of all USCIS correspondence sent to that address. Failure to provide your current address as required may result in dismissal or referral of your asylum application, institution of removal proceedings, the entry of a removal order in your absence if you fail to appear for a hearing before an immigration judge, and removal from the United States. If you have any questions or comments regarding the status of your application, please contact the office with jurisdiction over your application.</p>				Address	14-Day Period	Hours of Operation CLOSED ON FEDERAL HOLIDAYS	USCIS SANTA ANA 1666 N. MAIN ST. SUITE 100A SANTA ANA CA 927017417	08/15/2016 to 08/29/2016	Sat - Sun Closed Mon - Fri 8am-3pm
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If you have any questions regarding this notice, please call 1-800-375-5283.		APPLICANT COPY 